

Approved: Thomas John Wright
 THOMAS JOHN WRIGHT
 Assistant United States Attorney

CERTIFIED

Before: THE HONORABLE KATHARINE H. PARKER
 United States Magistrate Judge
 Southern District of New York

19MAG . 3014

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	:	<u>SEALED COMPLAINT</u>
	:	
UNITED STATES OF AMERICA	:	Violation of
	:	18 U.S.C. §§ 922(g)(1)
- v. -	:	and 2
	:	
DARREL HARRIS,	:	COUNTY OF OFFENSE:
	:	BRONX
Defendant.	:	
	:	
-----	x	

SOUTHERN DISTRICT OF NEW YORK, ss.:

CARLOS LOZADA, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

(Felon in Possession)

1. On or about November 16, 2018, in the Southern District of New York and elsewhere, DARREL HARRIS, the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce, a firearm, to wit, a nine-millimeter Ruger pistol, which has previously been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Sections 922(g)(1) and 2.)

2. The bases for my knowledge and for the foregoing charge are, in part, described in the following paragraphs.

3. I am a Detective with the NYPD assigned to the Bronx Gang Squad. I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses, and other

individuals, as well as my examination of reports and other records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported in this Complaint, they are reported in substance and in part, except where otherwise indicated.

4. Based on my conversations with other law enforcement officers about the search of an apartment in Bronx County, New York, and my review of reports and other records generated during that search and from the investigation following that search, including video recordings from multiple cameras worn on the bodies of police officers and forensic biology reports, I have learned, among other things, the following, in substance and in part:

a. On or about November 16, 2018 at approximately 4:50 PM, after receiving reports that a man and a woman were involved in a domestic-violence incident and that the man was in possession of a firearm inside 2805 Dewey Avenue, Apartment 7E, Bronx County, New York (the "Subject Premises"), a building located within the New York City Housing Authority Throggs Neck Houses, two uniformed police officers with the NYPD, who were equipped with body-worn cameras and who were assigned to Police Service Area 8 ("PO-1" and "PO-2"), responded to the Subject Premises with their body-worn cameras recording.

b. After knocking on the door to the Subject Premises, PO-1 and PO-2 met a woman (Woman-1), who answered the door and who bore scratches on her face. After allowing PO-1 and PO-2 to enter the Subject Premises, Woman-1 stood with PO-1 and PO-2 in a hallway and a kitchen, which adjoined the hallway, at the entrance to the Subject Premises. Standing in this hallway, PO-1 and PO-2 saw DARREL HARRIS, the defendant, walk toward them along this hallway, walking away from the direction of a bedroom (the "Bedroom") and in the direction of the entrance to the Subject Premises. PO-1 and PO-2 saw HARRIS also bore scratches on his face.

c. After both HARRIS and Woman-1 informed PO-1 and PO-2, in substance and in part, that a "dispute" had occurred between them, PO-1 and PO-2, together with other police officers assigned to Police Service Area 8, who had arrived in the interim at the Subject Premises, placed HARRIS and Woman-1 under arrest for Assault in the Third Degree, a misdemeanor, in violation of New York Penal Law Section 120.00(1), among other domestic-violence related charges.

d. Thereafter, another woman, whom police officers present at the Subject Premises identified as the tenant of the Subject Premises ("Woman-2"), arrived at the Subject Premises. There, Woman-2 reviewed a consent to search form written in English and explained in English and in Spanish to her by a police officer with the NYPD, who is fluent in English and in Spanish, who was equipped with a body-worn camera, which was recording, and who was assigned to Police Service Area 8 ("PO-3"). After so reviewing the consent to search form, on November 16, 2018 at approximately 5:24 PM, Woman-2 gave consent to the NYPD to search the Subject Premises, which PO-3 had explained in English and in Spanish he wished to search in order to locate a firearm.

e. Pursuant to this consent, PO-1, PO-2, and PO-3, together with other police officers present at the Subject Premises, began to search the Subject Premises with their body-worn cameras recording. After a short time, on November 16, 2018 at approximately 5:37 PM, PO-2, who was searching the Bedroom, found a nine-millimeter Ruger pistol (the "Firearm") together with a compatible and loaded nine-millimeter magazine, which were located inside a plastic bag containing bedding materials, which Woman-2 later informed me, in substance and in part, she had recently purchased.

f. Thereafter, on November 16, 2018, before the Firearm was transported, personnel from the Evidence Collection Team of the NYPD arrived to process the Firearm at the Subject Premises, swabbing the Firearm in multiple locations to collect possible samples of DNA.

g. Thereafter, on November 16, 2018, PO-1 together with another police officer with the NYPD, who was assigned to the detective squad of the 45th Precinct, conducted a videotaped interview with HARRIS inside a particular address in Bronx County, New York. During that videotaped interview, HARRIS drank from a cup, which was collected after the videotaped interview and from which a sample of DNA for HARRIS was later obtained.

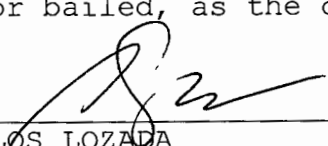
h. Finally, months later, in or about 2019, an analyst from the Office of the Chief Medical Examiner for the City of New York compared samples of DNA identified in the swabs taken from the Firearm and the sample of DNA taken from the cup for HARRIS. From this comparison, the analyst found that with respect to multiple locations on the Firearm from which a mixture of DNA was obtained, it was as much as 66.4 trillion times more probable that the mixture of DNA found on the Firearm

included DNA for HARRIS and one other unknown person than for two unknown persons.

5. As part of my investigation of this matter, I have reviewed a report on the Firearm that a special agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives prepared based on the special agent's expertise in the manufacturing of firearms and analysis of documents relating to the Firearm, including photographs of the Firearm. In the report, based on this expertise and analysis, the special agent concludes that the Firearm was not manufactured in the State of New York.

6. Finally, as part of my investigation of this matter, I have reviewed the criminal history of DARREL HARRIS, the defendant and identified that HARRIS was convicted in the Supreme Court of the State of New York, Bronx County on or about April 15, 2015 of Manslaughter in the First Degree, in violation of New York Penal Law Section 125.20(1). Based on my training and experience, I am aware that this offense is a crime punishable by a term of imprisonment exceeding one year.

WHEREFORE, deponent respectfully requests that an arrest warrant be issued for DARREL HARRIS, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.



CARLOS LOZADA

Detective

New York City Police Department, Bronx
Gang Squad

Sworn to before me this
26th day of March, 2019.



THE HONORABLE KATHARINE E. PARKER
United States Magistrate Judge
Southern District of New York